

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:15CR3091
)	
v.)	
)	
SHARON A. ELDER,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

I reluctantly sustain Elder's appeal (filing no. [96](#)) of Judge Zwart's Memorandum and Order (filing no. [93](#)) refusing to sever Elder's case from that of the other defendants. In Elder's appeal, she provides more specifics as to the reasons for the severance request. Those specifics should have been provided to Judge Zwart earlier, but were not. Defense counsel are herewith gently chastised for not doing so.

The government has not responded to the appeal. Elder's appeal makes me nervous especially given the lack of a response from the government. I am not all sure that Elder is entitled to severance but preferring to be safe rather than sorry,

IT IS ORDERED that the appeal (filing no. [96](#)) is sustained and Judge Zwart's Memorandum and Order (filing no. [93](#)) is vacated. This matter is remanded to Judge Zwart for further consideration of Elder's motion for severance. I also suggest that Judge Zwart may wish to order the production, for in camera inspection under Federal Rule of Criminal Procedure 14(b), any statements of the other defendants that also implicate Elder and which may be offered by the government at the time of trial.

DATED this 12th day of July, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge